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9                   **UNITED STATES DISTRICT COURT**  
10                   **WESTERN DISTRICT OF WASHINGTON**

11 JEFFREY J. HISER,  
12                   Plaintiff,

Civil No. C08-1058-RSM

13                   vs.  
14                   **ORDER FOR REMAND**  
15 MICHAEL J. ASTRUE,  
16                   Commissioner of Social Security,  
17                   Defendant

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18         Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision  
19         in regard to Plaintiff's application for disability benefits under Title XVI of the Social Security Act  
20         be reversed and remanded to the Commissioner of Social Security for further administrative  
21         proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ will hold a de  
22         novo hearing and Plaintiff may raise any issue. The ALJ will: (1) Correct the record with regard  
23         to Exhibit 41 (incomplete) and Exhibit 44 (missing); (2) Consider the basis for cessation of  
24         disability found by the State agency; (3) Obtain testimony from a medical expert to clarify whether  
25         Plaintiff has had medical improvement; (4) Reevaluate the medical evidence and, if appropriate,  
26         request additional evidence or further clarification of the opinions and medical source statements;  
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3 (5) Reevaluate Plaintiff's credibility and residual functional capacity (RFC); and (6) Obtain  
4 vocational expert testimony regarding Plaintiff's ability to perform past relevant work or other  
5 work, with reevaluated RFC and new hypothetical.

6 Plaintiff is entitled to seek costs and reasonable attorney fees pursuant to the Equal Access  
7 to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.  
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9 DATED this 18 day of February 2009.  
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12 RICARDO S. MARTINEZ  
13 UNITED STATES DISTRICT JUDGE  
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15 Recommended for Entry  
16 this 13th day of February, 2009.  
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s/ Mary Alice Theiler  
United States Magistrate Judge  
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19 Presented by:  
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s/ Thomas M. Elsberry  
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